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SUMMARY RECORD OF THE 337th MEETING

Held at Headquarters, New York,
on Tuesday, 8 July 1997, at 3 p.m.

Chairperson: Ms. KHAN

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The meeting was called to order at 3.05 p.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 18 OF THE CONVENTION (continued)

Initial report of Namibia (continued) (CEDAW/C/NAM/1)

1. At the invitation of the Chairperson, Ms. Ndaitwah (Namibia) took a place at the Committee table.

Article 3

2. Ms. GONZALEZ said that Namibia had been the first reporting State to interpret article 3 of the Convention on the Elimination of All Forms of Discrimination against Women as focusing on violence against women. While she was very pleased that the Government of Namibia had established a network of women and child abuse centres, violence against women and children would continue unless preventive and corrective measures were taken. She wished to know whether the issue of domestic violence and violence against women would be included in the law reform process mentioned in Namibia's comments on article 2. She enquired whether other legislative measures had been taken to eliminate gender stereotypes, such as male dominance in the home. Another useful measure would be to conduct an information campaign to make teenage boys and girls aware of gender equality and to provide adequate sex education, which would help reduce the high rate of teenage pregnancy.

3. The Government of Namibia should carry out measures to prevent violence and social discrimination against women and should also consider adopting special measures to address the serious problem of child labour, which affected both boys and girls. The International Labour Organization, which was currently helping Namibia to accede to international labour conventions, had a number of programmes that could be implemented in Namibia.

4. Ms. BERNARD said that the Combating of Immoral Practices Act seemed to discriminate against female prostitutes, and she wished to know why special defences were provided for boys under the age of 21 who had sexual intercourse with prostitutes. Young female prostitutes were also entitled to such protection. Moreover, prostitutes should have the same protection as other women when they were forced to engage in sexual intercourse.

5. Ms. Yung Chung KIM wished to know what steps the Government of Namibia was planning to take to prevent domestic violence, and what was the position of non-governmental organizations and women's groups on the issue of domestic violence. Was the Government of Namibia prepared to set aside resources to establish women and child abuse centres on a long-term basis?

6. Ms. FERRER said that the representative of Namibia had referred to a hierarchical mechanism for implementing the Convention, and she wished to know whether that mechanism operated at the national level. She asked what the relations were between the Department of Women Affairs and the Gender Network

Coordinating Committee. How did the Women and Law Committee relate to other mechanisms that dealt with gender equality? Lastly, she wished to know whether the Government had adopted a national plan to consider ways of implementing the Platform for Action of the Fourth World Conference on Women.

Article 4

7. Ms. ABAKA said that the implementation of article 4 of the Convention must always be seen as a temporary measure. The Government of Namibia had not provided any information on the objectives of its affirmative action programmes or a time-frame for achieving specific results. It would be interesting to know what programmes had been put in place to sustain the positive results of affirmative action.

8. Ms. Yung Chung KIM wished to know the overall percentage of women in important decision-making bodies which, in addition to the legislative, executive and judicial branches, included political parties and labour and educational organizations. What impact did women in such decision-making bodies have on the adoption of affirmative action measures? She enquired whether the Government of Namibia planned to establish a special mechanism to monitor and promote the de facto implementation of affirmative action programmes.

9. Ms. OUEDRAOGO said that, given the extent of gender stereotyping, the Government of Namibia should consider an advocacy programme that identified certain forms of discrimination. The programme should consist of three parts: firstly, research to identify the most negative forms of discrimination; secondly, an awareness campaign that focused on decision-makers, legislators, traditional leaders, women's associations and non-governmental organizations, which should assist the Government's technical departments and sectoral networks for the advancement of women; and, thirdly, training with a view to eradicating stereotypes.

10. The CHAIRPERSON said that her comments related to both article 4 and article 11 of the Convention. The private sector in Namibia was still very vulnerable and, in rural areas, where women constituted the largest demographic group, affirmative action programmes had had very little impact on the creation of employment opportunities for women. She asked whether the agricultural sector had a minimum wage; if so, how was that wage enforced? She wished to know whether Namibia's legislation on cooperatives included programmes to assist women in obtaining credit; if women had access to credit, were they required to put up collateral? She also wished to know whether any non-governmental organizations had been active in the areas of women's ownership and inheritance of land and the improvement of employment opportunities for rural women.

11. Ms. JAVATE DE DIOS said that she did not understand why the issue of maternity protection had been included under article 4. Companies might draw the conclusion that maternity protection was a measure with which they did not have to comply; even if they chose to do so, there was no set timetable for such compliance. For that reason, she suggested that the Government of Namibia consider including the issue of maternity protection under article 11 (b) of the Convention.

Article 5

12. Ms. GONZALEZ said that she was very concerned that the Government of Namibia had allocated considerable resources to support a beauty pageant, which reinforced particular stereotypes of women. She wondered whether any non-governmental organizations had expressed their opposition to the beauty pageant or had attempted to organize other events that highlighted the real role of women in Namibian society, and whether those organizations had stressed that the Government should allocate resources to social needs. She enquired whether non-governmental organizations had proposed any political measures for social development in general, and what success they had had in implementing their proposals for the period 1996-1997.

13. The report did not refer to any specific plans to combat gender stereotypes, address the persistent inequality of women, or change women's mentality. She enquired whether the Government had given any thought to information campaigns, courses and seminars to promote awareness about women's full equality vis-à-vis men. Lastly, she wished to know whether the research on practices that affected the health of mothers and children was being supported by the World Health Organization (WHO) or the Centre for Human Rights; if so, what was the extent of the support for such research and for measures to eliminate such practices?

14. Ms. JAVATE DE DIOS said that in Namibia rape was aggravated by the inequality of the rape law, which placed the burden of proof on the victim rather than on the perpetrator. She requested more information concerning the rape of female relatives and on measures to address that problem. Arrested women and women in detention were sometimes sexually assaulted, and she enquired whether the Government of Namibia had taken any measures to deal with that problem, especially in cases where the perpetrators were policemen or men in government. She wished to know the status of the plans to revise the rape law and when the new rape law would be enacted.

Article 6

15. Ms. BUSTELO GARCÍA DEL REAL recalled that the representative of Namibia had said that the legislation on prostitution had been suspended while the Ministry of Justice consulted interested parties regarding the Combating of Immoral Practices Act. She requested information on the identity of the interested parties, how long the legislation would be suspended, and what was Namibian customary law in relation to prostitution. She asked whether any research on prostitution was being carried out and recommended that any new legislation should be based on the defence of women's human rights rather than on moral beliefs. Prostitutes tended to be victims of violence and persons at risk, and such factors should be taken into account in State policies. She wondered whether women had easy access to medical information and care and what was the incidence of abortion. Lastly, she would welcome additional information on any programmes to help women earn money in other types of work, any non-governmental organizations that were working in the field, and whether migrant and refugee women were more likely to be victims of prostitution.

16. Ms. OUEDRAOGO referred to the prevention of prostitution and commented that, in Africa, the school drop-out rate for girls tended to be very high. She recommended that such girls should be the target of special socio-economic programmes, as poverty caused girls and women to turn to prostitution. She suggested that gender-disaggregated information should be provided on illnesses and work-training.

17. Ms. JAVATE DE DIOS asked whether research had been carried out on male usage of prostitution. She also requested information on the incidence of AIDS and whether any programmes existed to help women at risk of contracting AIDS and other sexually transmitted diseases. Referring to inter-country adoption, she wished to know whether adequate data existed to demonstrate that child prostitution was not being promoted.

Article 7

18. Ms. CORTI observed that there had been less progress under article 7 than in other fields. The report mentioned that there was a generally held opinion that women were unsuited to a career in politics, and she noted that political parties, governments, unions and the private sector tended to be male-dominated. Since Namibia needed sufficient women in the Government and other institutional bodies to solve problems related to women, she expressed surprise that affirmative action had not been used to make progress towards that goal. She asked what the women who were involved in public life had done or were doing to promote women's progress and to remedy the current situation. She requested clarification of the statement that "all citizens, male and female, have a constitutional right ... to influence the composition and policies of the Government" (p. 80, second para.) and asked whether all persons in Namibia enjoyed the same right.

19. It appeared that the traditional authorities were doing more to promote women than the Government, as the newly enacted Traditional Authorities Act required them to promote affirmative action. She requested information on the jurisdiction of the traditional courts and on the results of women's full participation in the work of the courts. While women seemed to have succeeded in introducing themselves into the media, she enquired whether they had been able to eliminate stereotyping. Lastly, she would welcome further information on the new cooperatives and on women and military service.

20. Ms. Yung Chung KIM observed that there were two categories of members of the National Assembly, 72 voting members elected on a party list system and six non-voting members, appointed for their expertise; she wished to know why the latter did not have the right to vote.

21. Ms. HARTONO requested clarification of several points. Apart from the lack of education factor, she asked why it was usually easy to give women voting rights, but more difficult to get women elected. She wished to know whether the Ombudsman had the right to review laws to see if they were contrary to the Constitution and, if so, to examine the consequences. Also, whether the seven female Ministers held stereotypical portfolios.

22. Regarding women's rights, she asked whether women had the right to represent themselves in court; how the Law Reform and Development Commission was structured and what participation women had in it; and how many female law professors, deans of law, and university presidents there were. She wanted to know why women were under-represented in the private sector and, lastly, if the Government had a plan of action to improve the current situation and promote women to decision-making positions in domestic life, social life and public affairs.

23. Ms. ABAKA recommended that affirmative action should be a feature of the next local council elections in order to ensure an adequate number of women candidates.

24. Ms. SHALEV requested further information on traditional authorities and courts, particularly with regard to their status, their jurisdiction, the type of issues they dealt with and the means of access to them.

Article 8

25. Ms. JAVATE DE DIOS asked whether the Ministry of Foreign Affairs provided gender training for diplomats and whether future diplomats were made aware of the Convention and other United Nations human rights instruments. The report clearly represented a very rich source of information both on women and on the internal and international evolution of Namibia, and she recommended that it should be included in the reading list given to all diplomats. She also wished to know whether gender issues were reflected in all reports submitted under the United Nations instruments ratified by Namibia.

26. Ms. SINEGIORGIS, after observing that 43 per cent of the employees in the Ministry of Foreign Affairs were women, requested information on the job description for Third Secretaries, who were all women.

Article 9

27. Ms. JAVATE DE DIOS asked whether the requirement to renounce foreign citizenship on acquiring Namibian citizenship applied to both men and women and whether refugees could apply for citizenship.

Article 10

28. Ms. SATO noted from the report that many educationally promising girls had difficulty in continuing their studies because of teenage pregnancy and that in many instances girls were expelled from school for being pregnant while the boys who fathered the children suffered no such punishment. She suggested that what was needed was counselling for the girls and punishment for the boys. She found it strange that there were more women than men enrolled in university, when girls had higher repetition rates at the secondary level.

Article 11

29. Ms. BERNARD asked what steps were being taken to increase the provision of childcare facilities in order to promote the full participation of women in the workforce.

30. Ms. JAVATE DE DIOS observed that the report stated that the Labour Act prohibited unfair discrimination by employers. She wished to know what type of discrimination was being referred to, and what measures were being taken to equalize wages, to increase women's career possibilities and to improve the quality of pertinent data.

Article 12

31. Ms. ABAKA expressed surprise that tuberculosis, a disease which had been almost eradicated worldwide should be the main cause of death in Namibia and asked whether women were more affected than men. She also requested information on the nutritional status of women. Regarding teenage pregnancies, she asked whether any sex education programmes existed, how were they implemented and how was information disseminated. As Namibia was mainly Christian, she wished to know the Church's reaction to the fact that polygamy affected one out of every eight married women.

32. Ms. SHALEV suggested that the debate on the new, more liberal abortion law was an opportunity to break the taboo on discussing sexuality. However, women were not only mothers, and their health should be viewed in terms of life cycles and the impact of work, ageing, malnutrition, violence and other factors. She asked about the different causes of male and female deaths and requested disaggregated data on infant and maternal mortality.

33. The CHAIRPERSON enquired whether the traditional culture in Namibia fostered a preference for one sex over the other and whether the very high abortion rate could be attributed to such a preference. She wondered whether sex selection facilities were available to women and, if so, whether their existence had an impact on abortion and infanticide rates. She also wished to know whether most abortions were performed clandestinely, what the major reasons were for the very high abortion rate and whether sex education was included in the school curriculum. Lastly, she wondered whether any relationship had been established between the high infant mortality rate and polygamous marriages, given the tendency of such marriages to reduce the economic standard of the family, with its attendant negative impact on children.

Article 14

34. Ms. OUEDRAOGO enquired whether consideration had been given to establishing special credit facilities for rural women which would extend loans on preferential terms. In a number of African countries, efforts to mobilize women had resulted in their successful involvement in income-producing activities, which were a key to improving their status. Furthermore, education and advocacy were essential in order to eliminate stereotypes undermining the status of women.

Article 16

35. Ms. AOUIJ encouraged Namibia to introduce far-reaching civil law reforms with a view to eliminating in particular the vestiges of apartheid, which continued to undermine the status of women. Given the coexistence of civil law and customary law, women must be informed of their legal rights.

36. She welcomed the fact that the legal age for marriage would soon be 18 for both boys and girls. Polygamy was the most pernicious form of discrimination against women and it was essential to sensitize women to its drawbacks, with a view to its ultimate abolition. However, any protections which women in existing polygamous marriages and their children enjoyed should continue.

37. With regard to inheritance, she wished to know whether the resolution passed in 1992 by Parliament requesting traditional leaders to allow widows to remain on their land had been implemented in practice. She wondered why the pace of common law reform was so slow, given how profoundly the common law undermined the rights of women. Genuine political will was required to bring about changes, since resistance would always be present. Women in customary marriages were in an even more precarious situation. She wished to know whether women truly could choose between civil and customary marriages and what factors determined their choice. She also wondered whether statistics were available on the number of couples in each type of marriage. Lastly, she wished to know how the State party reconciled civil law, which was constitutional, with customary law, which was not.

38. Ms. ACAR requested the representative of Namibia to provide additional information as to whether civil law reform was expected to have a concrete impact on the high number of polygamous marriages in Namibia and whether the Government intended to require the registration of customary marriages. She wished to know the status of the research under way on customary marriages and whether it would provide the basis for government policy. She also enquired whether the Married Persons Equality Bill would affect the status of women in customary marriages, in particular, women in polygamous marriages, and whether the Government was taking steps to extend the rights provided under that Bill to women in customary marriages.

39. The CHAIRPERSON observed that, while polygamy was more difficult to address in countries in which it was sanctioned by religion, some such countries had successfully tackled the problem. Perhaps the issue was not as sensitive as the representative of Namibia had indicated, since polygamy was not sanctioned by religion in that country, and it therefore should be easier to abolish.

The meeting rose at 5 p.m.